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BEFORE THE PUBLIC UTILITIES COMMISSION

STATE OF HAWAII

In the Matter of the Application of )  
 )  
 HAWAII ELECTRIC LIGHT COMPANY, )  
 INC. )  
 )  
 For Approval of Rate Increases and )  
 Revised Rate Schedule and Rules )  
 \_\_\_\_\_ )

Docket No. 05-0315

PUBLIC UTILITIES  
 COMMISSION

2001 APR 17 P 2:14

FILED

KEAHOLE DEFENSE COALITION'S MOTION TO AMEND  
ORDER NO. 22663 TO ALLOW THE KEAHOLE DEFENSE COALITION  
GREATER PARTICIPATION IN THE CURRENT RATE CASE

and

CERTIFICATE OF SERVICE

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**KEAHOLE DEFENSE COALITION'S MOTION TO AMEND  
ORDER NO. 22663 TO ALLOW THE KEAHOLE DEFENSE COALITION  
GREATER PARTICIPATION IN THE CURRENT RATE CASE**

The KEAHOLE DEFENSE COALITION ("KDC") moves the Public Utilities Commission to amend its Order No. 22663 entered in this docket on August 1, 2006 to allow the Keahole Defense Coalition greater participation in the current rate case. KDC brings this motion pursuant to HAR 6-61-41 and the provisions of Order No. 22663 itself.

**BACKGROUND**

In Order No. 22663, the Public Utilities Commission allowed KDC to participate in this rate case, but limited KDC's participation to "those issues related to the expansion of HELCO's Keahole Generating Station. In addition, unless the Commission decides otherwise at a future juncture, KDC's participation is limited to responding to any discovery requests, filing a statement of position, and responding to questions at any evidentiary hearing."

As noted by the recent filings in this rate case, the Division of Consumer Advocacy and Hawaii Electric Light Company, Inc. reached a settlement on many of the issues raised in this rate case and, further, on April 11, 2007, stipulated that neither party will ask questions of any witnesses nor of KDC in any evidentiary hearing.

## ARGUMENT

The effect of the settlement and April 11, 2007 stipulation is to prevent KDC from presenting testimony to the Public Utilities Commission on the points raised by KDC in its position statement, specifically matters relating to the “prudence” of Hawaii Electric Light Company, Inc.’s actions. Put another way, the stipulating parties are acting to prevent the Public Utilities Commission from addressing the “prudence” question, even though in Docket 7623, Order No. 14284, Page 17, the Public Utilities Commission held that:

“4. The prudence of the expenditures made by HELCO in acquiring CT-5 without prior commission approval, assuming that HELCO’s own generating facility is used and useful for utility purposes, shall be decided in HELCO’s rate case following the installation of HELCO’s facility.”

and even though in Docket 94-0079, Order No. 15745, the Public Utilities Commission in Paragraph III.4 held that “HELCO’s request for Commission determination that it is prudent for HELCO to enter into the PPA and interconnection agreement with Encogen, while continuing to pursue installation of its own combustion turbines (CT-4 and CT-5) at Keahole is denied.”

By statute, the Division of Consumer Advocacy is to represent the interests of consumers. Section 269-51, HRS. Although the Division of Consumer Advocacy has advanced some of the points raised by KDC, particularly AFUDC charges for CT-4 and CT-5, the Division of Consumer Advocacy has, by the terms of the settlement and

stipulation in question, disregarded all other points raised by KDC regarding cost over-runs due to imprudence. As a result, the Public Utilities Commission may be denied the opportunity to examine and to investigate these points in its deliberations.

If the Division of Consumer Advocacy does not wish to fully represent the consumers' interest in this rate case, then KDC requests the Public Utilities Commission to allow KDC to have a greater level of participation than is described in Order No. 22663 to more fully represent the consumers' interest before the Public Utilities Commission.

REQUEST FOR RELIEF

KDC asks the Public Utilities Commission to amend Order No. 22663 to allow KDC to present testimony at an evidentiary hearing before the Public Utilities Commission on points raised in its position statement other than adjustments for AFUDC.

No Request for Hearing on Motion

KDC does not request that a hearing be held on this motion.

Dated at Kailua-Kona, Hawaii: April 16, 2007.

KEAHOLE DEFENSE COALITION

By Keichi Ikeda  
Keichi Ikeda  
Its President

CERTIFICATE OF SERVICE

I certify that I served a copy of the foregoing motion to the persons noted by mail at the United States Post Office, Kailua-Kona, Hawaii 96740, addressed and postage prepaid on the date noted below:

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Dated at Kailua-Kona, Hawaii: April 16, 2007.



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KEICHI IKEDA